

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 -----X
5 MOSHE SAPERSTEIN; RACHEL SAPERSTEIN;
6 AVI ITZHAK SAPERSTEIN; TAMAR SAPERSTEIN;
7 DAFNA SAPERSTEIN; the ESTATE of
8 AHUVA AMERGI, by and through RAFI AMERGI,
As Administrator, Executor and/or Personal
Representative, RAFI AMERGI, individually,
minor; and EFRAIM AMERGI, minor; DAN
DAVIDOVIC; JUDITH DAVIDOVIC; ELIEZER
DAVIDOVIC; ARIEL DAVIDOVIC; and
SARAH ZWEIG,

9 PLAINTIFFS,

10 -against-

Case No:
04-CV-20225

11 THE PALESTINIAN AUTHORITY; THE PALESTINE
12 LIBERATION ORGANIZATION; THE PALESTINIAN
13 PREVENTATIVE SECURITY SERVICES; THE ESTATE
14 OF YASSER ARAFAT; YASSER MAHMUD ALKATIVE;
NIZHAR D'HLIS; and NAIM MUTZTRAN,

DEFENDANTS.

15 -----X
16 DATE: April 1, 2009
17 TIME: 12:19 p.m.

18 TRANSCRIPTION OF AUDIO CD OF
19 DEPOSITION of the Defendant, THE
20 PALESTINIAN AUTHORITY, by a Witness,
21 HUSSEIN AL SHEIKH, held in Jerusalem,
22 Israel.

1 HUSSEIN AL SHEIKH
2 Saperstein; the translator Amal
3 Shehadeh; the audio-video team Miri
4 Aharon, Shimon Ben Avi.

5 H U S S E I N A L S H E I K H, called
6 as a witness, having been first duly sworn
7 by the Commissioner, was examined and
8 testified as follows:

9 EXAMINATION BY

10 MR. TOLCHIN:

11 Q. Please state your name for the
12 record.

13 A. Hussein Al Sheikh.

14 Q. Sir, did you show any form of
15 identification to the Commissioner?

16 A. (Translator.) To who?

17 Q. To the Commissioner.

18 A. (Translator.) All of my
19 identification is with the lawyer.

20 Q. Which lawyer?

21 A. (Translator.) Osama Saadi.

22 Q. You gave your identification to
23 your lawyer?

24 A. (Translator.) Of course.

25 Q. Do you generally have your

1 HUSSEIN AL SHEIKH

2 form.

3 A. (Translator.) I don't
4 understand.

5 Q. That's okay.

6 For example, Yasser Arafat was
7 known as Abul Hamas, right?

8 A. (Translator interprets
9 question.)

10 Q. Do you have a name of that
11 type?

12 A. (Translator.) No, I don't have
13 that.

14 Q. Where were you born, sir?

15 A. In Ramallah.

16 Q. Where did you grow up?

17 A. (Translator.) In Ramallah.

18 Q. Can you summarize your

19 education?

20 A. (Translator.) I studied at
21 Ramallah schools and I received a diploma
22 from Al Quds University.

23 Q. What is Al Quds University? Al
24 Quds University, what is that?

25 A. (Translator.) The University

1 HUSSEIN AL SHEIKH

2 of Abu Dis.

3 Q. And the Ramallah schools that
4 you attended, are you referring to
5 elementary school and high school?

6 A. (Translator.) Yes.

7 Q. The university that you
8 attended, what did you receive a degree in?

9 A. (Translator.) In political
10 science.

11 Q. And that was a university level
12 degree?

13 A. (Translator.) Yes.

14 Q. How old were you when you
15 received that degree?

16 A. (Translator interpreting
17 question.)

18 Q. Approximately.

19 A. (Translator.) Approximately
20 35.

21 Q. So apparently you did not go
22 straight from high school to university; is
23 that correct?

24 A. (Translator.) You mean that
25 there was a period that there was no study?

1 HUSSEIN AL SHEIKH

2 Q. How old were you when you
3 finished High School?

4 A. (Translator.) Eighteen.

5 Q. How old were you when you
6 started University?

7 A. (Translator.) About 33, 34.

8 Q. Between the age of 18 until 33,
9 34, were you involved in any education,
10 formal education?

11 A. (Translator.) No.

12 Q. What were you doing during
13 those years?

14 A. (Translator.) From the age of
15 18, I was in prison.

16 Q. How many times have you been in
17 prison?

18 A. (Translator.) Only once.

19 Q. Why were you in prison?

20 A. (Translator.) Because I
21 belonged to the PLO.

22 MR. TOLCHIN: So we agree that
23 PLO is sufficient?

24 MR. HIBEY: Yes.

25 MR. TOLCHIN: Yes?

1 HUSSEIN AL SHEIKH

2 MR. HIBEY: Yes.

3 Q. Were you convicted of a
4 particular crime?

5 A. (Translator.) What do you mean
6 by crime?

7 Q. Before you went to prison, were
8 you charged with something in a Court?

9 A. (Translator.) I was committed
10 for belonging to the PLO.

11 Q. Which Court convicted you and
12 sent you to prison?

13 A. (Translator.) A military Court
14 at Ramallah.

15 Q. What was the sentence that was
16 imposed?

17 A. (Translator.) Ten years.

18 Q. Was the conviction merely for
19 belonging to the organization, or had you
20 done something that brought about the
21 conviction?

22 MR. McALEER: Object to the
23 form.

24 MR. HIBEY: Objection.

25 MR. TOLCHIN: What's wrong with

1 HUSSEIN AL SHEIKH

2 the form?

3 MR. McALEER: I object to the
4 form.

5 Q. You can answer my question if
6 you can.

7 THE TRANSLATOR: Could you
8 repeat the question?

9 Q. Was your conviction simply for
10 belonging to the PLO or did you do
11 something that brought about the other
12 charges against you?

13 A. (Translator interpreting
14 question.)

15 MR. HIBEY: I object to the
16 form. The first part of the question
17 I think is perfectly acceptable, if
18 you want to put that to him.

19 But the second part is, for
20 what have you been convicted as
21 opposed to for what did you do.

22 MR. TOLCHIN: I'll try it your
23 way and see where that goes.

24 Q. Sir, do you know specifically,
25 formally, what were the charges against

1 HUSSEIN AL SHEIKH

2 you?

3 A. (Translator.) The main
4 accusation was belonging to the PLO.

5 Q. Were there any additional
6 claims besides the main claims, as you
7 called it?

8 A. (Translator.) Field action
9 activities.

10 Q. What do you mean by field
11 activities?

12 A. (Translator.) Strikes and
13 going out in demonstration.

14 Q. What do you mean by strikes?

15 A. (Translator.) Strikes and
16 demonstrations against occupation, Israeli
17 occupation.

18 Q. What I'm trying to clarify --
19 it might be just because of the language
20 barrier -- when you say strikes, a strike
21 can be someone who hits you, or a strike
22 can be everybody stops working. Which word
23 is it that he used?

24 THE TRANSLATOR: You're asking
25 as in --

1 HUSSEIN AL SHEIKH

2 MR. TOLCHIN: Yes, which word
3 is it that he used?

4 THE TRANSLATOR: Not "strike"
5 hit, but "strike" stop working.

6 MR. TOLCHIN: Not working?

7 THE TRANSLATOR: Yes.

8 Q. So what did you have to do with
9 strikes that led to a conviction?

10 A. (Translator.) I don't
11 understand the question.

12 Q. You said the charges against
13 you had something to do with strikes.

14 A. (Translator.) It was not
15 something violent.

16 Q. What was it claimed that you
17 did?

18 A. (Translator.) That I was
19 inciting the Palestinian people against the
20 occupation.

21 Q. What were the charges about
22 demonstrations? You said the charges
23 included something to do with
24 demonstrations. I want to find out the
25 details about them.

1 HUSSEIN AL SHEIKH

2 A. (Translator.) Yes, I
3 participated in the demonstrations.

4 Q. Did any of the demonstrations
5 involve any form of violence?

6 A. (Translator.) Of course not.

7 Q. Did any of the charges against
8 you that led to your time in prison involve
9 any form of violence?

10 A. (Translator.) No.

11 Q. Were you one of the people that
12 organized the strikes and demonstrations?

13 A. (Translator.) Yes.

14 Q. So you were one of the leaders
15 of the strikes and demonstrations; is that
16 correct?

17 A. (Translator.) What leaders? I
18 was only 17 years old.

19 Q. Were you one of the leaders of
20 the strikes and demonstrations even though
21 you were only 17 years old?

22 A. (Translator.) I was a
23 Palestinian citizen and a student as well.

24 Q. Have you ever been involved in
25 any of the resistance operations --

1 HUSSEIN AL SHEIKH

2 A. (Translator interpreting
3 question.)

4 Q. I haven't finished the
5 question. I didn't finish the question.

6 THE TRANSLATOR: Oh, sorry.

7 Q. Have you ever been involved in
8 any resistance operations that involved
9 violence?

10 A. (Translator.) Of course not.

11 Q. Besides the arrest when you
12 were 17 that led to your time in prison,
13 have you ever been arrested?

14 A. (Translator.) No.

15 Q. Have you ever received any --
16 withdrawn.

17 Have you ever been in any form
18 of administrative detention?

19 A. (Translator.) No.

20 Q. Have you ever received training
21 in the use of any form of weapons?

22 A. (Translator.) No.

23 Q. Other than Arabic, do you speak
24 any other languages?

25 A. (Translator.) I speak Hebrew.

1 HUSSEIN AL SHEIKH

2 A. (Translator.) Before I was in
3 prison I was a member of Fatah.

4 Q. How old were you when you
5 became a member of Fatah?

6 A. (Translator.) Sixteen and a
7 half.

8 Q. You testified earlier that you
9 were in prison because you were a member of
10 the PLO. Is that what you said?

11 A. (Translator.) Fatah is part of
12 the PLO.

13 Q. Is there such a thing as being
14 a member of the PLO itself?

15 A. (Translator.) Once you are a
16 member of Fatah, you immediately become a
17 member of the PLO.

18 Q. Is it possible to be a member
19 of the PLO without being a member of a
20 constituent group?

21 A. (Translator.) Yes, you can be
22 an independent.

23 Q. But you became a member of the
24 PLO by virtually being a member of Fatah
25 since the age 16 1/2?

1 HUSSEIN AL SHEIKH

2 people there were tens of people.

3 Q. Now, when you left the General
4 Intelligence and came to the Civil Affairs
5 Ministry in 1997, did you regard that as a
6 promotion or demotion or staying at the
7 same level?

8 A. (Translator.) Almost a
9 promotion.

10 Q. By the way, something I forgot
11 to ask Mr McAleer. Did you ever visit in
12 Tunis?

13 A. (Translator.) Yes.

14 Q. When was that?

15 A. (Translator.) It was in the
16 beginning of the '90s, 1992, 1993. They
17 were starting talks about the Oslo
18 Agreement.

19 Q. Why did you visit Tunis in the
20 1990s in connection with the Oslo
21 Agreement?

22 A. (Translator.) I agreed to
23 conduct or to establish committees which
24 would support the Oslo Agreement.

25 Q. Did somebody ask you to

1 HUSSEIN AL SHEIKH

2 establish committees to support the Oslo
3 Agreement?

4 A. (Translator.) It was volunteer
5 work, me along with Dr. Sari Nusseiba. It
6 was all volunteering.

7 Q. Did anybody ask you to get
8 involved at that time?

9 A. (Translator.) No, it was a
10 private initiative.

11 Q. How did you become aware that
12 there were any negotiations going on
13 relating to the Oslo Agreement?

14 A. (Translator.) In general it
15 was published and known in 1993 that there
16 was an Oslo Agreement.

17 Q. Let me just clarify. You went
18 to Tunis before there was an Oslo
19 Agreement, correct?

20 A. (Translator.) I said yes.

21 Q. How long were you in Tunis?

22 A. (Translator.) For a number of
23 days.

24 Q. Less than a week? More than a
25 week?

1 HUSSEIN AL SHEIKH

2 A. (Translator.) About a week.

3 Q. And when you were in Tunis,
4 what did you do there?

5 A. (Translator.) I met with
6 Yasser Arafat.

7 Q. How many times?

8 A. (Translator.) Twice.

9 Q. What was the purpose of the
10 meetings with Arafat in Tunis?

11 A. (Translator.) To talk about
12 political developments in the area.
13 Especially there were talks about
14 conducting or performing a peaceful process
15 in the region between Israel and the PLO.

16 Q. Did Mr. Arafat ask you to do
17 anything?

18 A. (Translator.) No. Personally
19 directly for me, no.

20 Q. When you met with Arafat, was
21 it with a group of people or just you and
22 him?

23 A. (Translator.) He had other
24 people, but I cannot remember who was there
25 also.

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2 Q. What I'm trying to clarify is,
3 I do not mean his assistants or his aides.
4 Were there other people such as yourself
5 who had come to Tunis, who were meeting
6 with him together with you, or you were
7 meeting with him and his assistants by
8 yourself?

9 A. (Translator.) The first time I
10 went there it was on a personal level.
11 Following that, I met with him and Dr. Sari
12 Nusseiba.

13 Q. When you say it was on a
14 personal level, you mean it was a private
15 meeting or you mean you were talking about
16 personal things?

17 A. (Translator.) What do you mean
18 private? I am Fatah and I was meeting with
19 the head of Fatah.

20 Q. So is it fair to say you were
21 talking about issues that Fatah was active
22 on at the time?

23 A. (Translator.) I wanted to
24 coordinate with him that I am interested in
25 initiating committees to support the Oslo

1 HUSSEIN AL SHEIKH

2 Agreement.

3 Q. And when you say committees to
4 support the Oslo Agreement, what do you
5 mean by committees?

6 A. (Translator.) I established
7 different committees in all of the West
8 Bank. I established committees supporting
9 the peace process. In each town I
10 established a committee.

11 Q. Did you make more than one trip
12 to Tunis?

13 A. (Translator.) I also went with
14 Dr. Sari Nusseiba.

15 Q. Altogether how many times did
16 you travel to Tunis?

17 A. (Translator.) In 1993, after
18 establishing the committees, I cannot
19 remember exactly but more than once.

20 Q. More than five times?

21 A. (Translator.) No. Maybe three
22 times. I cannot remember exactly, but more
23 than once for sure.

24 Q. More than twice?

25 A. (Translator.) Maybe three

1 HUSSEIN AL SHEIKH

2 between Tunis and Damascus.

3 Q. Are you still in contact with
4 Dr. Kadoumi?

5 A. (Translator.) No.

6 Q. At the time that you were
7 traveling to Tunis in 1992 and 1993, you
8 were working for your father, correct?

9 A. (Translator.) Yes.

10 Q. Did you have any position in
11 Fatah at that time?

12 A. (Translator.) There were no
13 capacities in Fatah at that time.

14 Q. Just a member?

15 A. (Translator.) Yes.

16 Q. On behalf of whom did you set
17 up those committees in support of the Oslo
18 Accords?

19 A. (Translator.) On my own
20 initiative, along with Dr. Sari Nusseiba's,
21 and I started to recruit people for this
22 issue.

23 Q. Did you have the approval or
24 support of Mr. Arafat to organize these
25 committees in support of Oslo?

1 HUSSEIN AL SHEIKH

2 A. (Translator.) After I put in
3 front of him, the picture of the
4 initiative, of course he supported it.

5 Q. Let's go back to 1999. At that
6 point you left your position as the
7 Director of the RCAC?

8 A. (Translator.) Approximately
9 end of 1999. I don't remember the month
10 exactly, but yes.

11 Q. Where did you go?

12 A. (Translator.) I was elected as
13 the Treasurer of Fatah. Secretary, sorry.

14 Q. Could we clarify, is the title
15 Secretary or Secretary General?

16 A. (Translator.) Secretary of
17 Fatah in the West Bank, as I said.

18 Q. When you say you were elected,
19 who elected you?

20 A. (Translator.) Those who
21 elected me are the Fatah leadership in the
22 West Bank.

23 Q. So this was not a general
24 election among the public; is that correct?

25 A. (Translator.) Approximately

1 HUSSEIN AL SHEIKH

2 BY MR. TOLCHIN:

3 Q. Can you tell me, sir, when
4 exactly you were elected as Secretary of
5 Fatah?

6 A. (Translator.) In the last
7 months of 1999.

8 Q. At the time that you were
9 elected as Secretary of Fatah, did you stop
10 having a job working for the Palestinian
11 Authority?

12 A. (Translator interpreted
13 question.)

14 Q. I'll rephrase the question.
15 I'll just withdraw the question and ask it
16 more clearly.

17 When you became Secretary of
18 Fatah, did you stop being employed by the
19 Palestinian Authority?

20 A. (Translator.) Yes. When I was
21 elected, I no longer had any executive
22 position at the Palestinian Authority.

23 Q. The job as Secretary of Fatah,
24 was that a volunteer job or were you paid a
25 salary for that job?

1 HUSSEIN AL SHEIKH

2 he went.

3 MR. TOLCHIN: He went to call
4 someone. He was talking on his
5 cellphone.

6 MR. HIBEY: Oh, is that right?

7 MR. SAADI: It's GPC, General
8 Personnel Council.

9 Q. During the time that you worked
10 as Secretary of Fatah, you were paid a
11 salary by the General Personnel Council of
12 the PA; is that correct?

13 A. (Translator.) Correct.

14 Q. Why did the Palestinian
15 Authority continue to pay you a salary
16 while you were working as Secretary of
17 Fatah?

18 A. (Translator.) I was working
19 for the Palestinian Authority until 1999.
20 When I finished and was elected as the
21 Secretary of Fatah, I lost my executive
22 position in the PA, so my portfolio was
23 transferred from my executive position to
24 the GPC.

25 I was given a limited period.

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2 I was given, according to the law -- I do
3 not remember which law exactly -- a time
4 period where I had to choose whether to
5 continue to fulfill a position in the PA or
6 to stop practicing or having this position,
7 so that I would not be cut off from any
8 salary, until I find some other source of
9 income.

10 Q. How long was the period of time
11 that you were given?

12 A. (Translator.) The problem was
13 that all of these things were mixed up in
14 the PA at that time.

15 Q. Do you mean by that that nobody
16 knew how long the period was that you could
17 continue receiving a salary?

18 A. (Translator.) I mean by that,
19 that in 2000 the Intifada erupted and the
20 whole area was prevailed with violence, and
21 all the Authority's buildings were
22 destroyed.

23 There was no stability in the
24 political Palestinian organization in
25 general. The Palestinian political system

1 HUSSEIN AL SHEIKH

2 was no longer stable. Different
3 organizations were not working or active as
4 they used to be before the Intifada. The
5 working hours were not regulated anymore.
6 This is what I mean specifically.

7 MR. SAADI: Mr. Hussein was
8 referring to the Department of
9 General Personnel Affairs, we call it
10 GPC. The General Personnel Council,
11 that it is where public servants are
12 usually paid.

13 Q. How long did you serve as
14 Secretary of Fatah?

15 A. (Translator.) I took this
16 position from 1999 until 2005.

17 Q. For what period of time did you
18 continue to receive a salary from the GPC?

19 A. (Translator.) During the whole
20 five years, except for one year during the
21 government of Hamas, following the victory
22 of Hamas in the elections. I assume about
23 a year I did not have a salary.

24 Q. Do you know what year that was?

25 A. (Translator.) Hamas succeeded

1 HUSSEIN AL SHEIKH

2 the Fatah movement, to Yasser Arafat.

3 Q. To whom did Mr. Hanin Hassan
4 report? Who was above him from 2002 to
5 2005?

6 A. (Translator.) At first he was
7 reporting to Abu Amar, until he passed away
8 in 2004, if I am correct. Then Abu Mazen
9 became the general leader of Fatah.

10 Q. By Abu Amar are you referring
11 to Mr. Arafat?

12 A. (Translator.) Yasser Arafat
13 has many nicknames among which is Abu Amar.

14 Q. Who is Abu Mazen?

15 A. (Translator.) The President,
16 Machmud Abas.

17 Q. And President Abas is known as
18 Abu Mazen?

19 A. (Translator.) Yes.

20 Q. When you were Secretary of
21 Fatah, did you have people who worked for
22 you?

23 A. (Translator.) Of course.

24 Q. How many people worked directly
25 under you?

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2 A. (Translator.) I had 14
3 Secretaries who were divided into different
4 districts in the West Bank.

5 Q. Were those 14 Secretaries each
6 responsible for a different territory, or
7 were they responsible for different
8 functions?

9 A. (Translator.) They were
10 responsible for Fatah in the different
11 districts. Each one is responsible for
12 Fatah in his own area, and they were
13 elected democratically.

14 Q. I just want to clarify. You
15 were Secretary of Fatah only in the West
16 Bank, correct?

17 A. (Translator.) Only in the West
18 Bank, yes.

19 Q. Was there another person who
20 was Secretary of Fatah in Gaza?

21 A. (Translator.) Yes.

22 Q. Who was that individual?

23 A. (Translator.) Achmed Hiles.

24 Q. Did Achmed Hiles serve the same
25 time period as you?

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2 A. (Translator.) Yes.

3 Q. Where is Achmed Hiles today?

4 A. (Translator.) In Gaza.

5 Q. Is he part of the government in
6 Gaza today?

7 A. (Translator.) Which
8 government?

9 Q. Any government.

10 A. (Translator.) He is not in any
11 government.

12 Q. Did those 14 Secretaries that
13 you referred to that worked for you, did
14 they have people that worked for them?

15 A. (Translator.) Yes.

16 Q. Approximately how many people
17 altogether?

18 A. (Translator.) Thousands. We
19 are talking about an organization, the
20 organization of Fatah.

21 Q. In 2005, did you leave your
22 position as Secretary of Fatah?

23 A. (Translator.) Yes.

24 Q. Why did you decide to leave
25 your position as Secretary of Fatah?

1 HUSSEIN AL SHEIKH

2 A. (Translator.) According to the
3 wish of the President, Machmud Abas.

4 Q. Did the President, Abas, ask
5 you to leave your position as secretary?

6 A. (Translator.) Yes.

7 Q. Did President Abas ask you also
8 to take on a new job?

9 A. (Translator.) Yes.

10 Q. What was the new job that you
11 took on in 2005?

12 A. (Translator.) I took the
13 position of Security and Civil Coordination
14 with Israel, the head of the Security and
15 Civil Coordination with Israel.

16 Q. Is that the job you have today?

17 A. (Translator.) Yes. Today I am
18 the Minister of the Civil Palestinian
19 Affairs.

20 Q. Today, who do you report to as
21 Minister of Palestinian Affairs?

22 A. (Translator.) To the
23 President, Machmud Abas.

24 Q. How many other ministers are
25 there in the Palestinian Authority?

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2 Q. Is he a member of the Fatah?

3 A. (Translator.) No.

4 Q. Who is the Minister of the
5 Monetary Authority today?

6 A. (Translator.) Gihad El Wazir.

7 Q. What are your duties as the
8 Minister of Palestinian Civil Affairs?

9 A. (Translator.) I hold all the
10 meetings with the Israelis concerning the
11 Security and Civil Affairs Coordination
12 with the Israelis, but from the side of the
13 Palestinians. When I had the meetings I am
14 chairperson for the Palestinian side.

15 Q. Are you referring to from '97
16 to '99?

17 MR. SHEHADEH: No, he's saying
18 when the meetings are conducted, he
19 is the chairperson for the
20 Palestinian side.

21 MR. TOLCHIN: I'm glad you
22 clarified that.

23 Q. You are not a representative of
24 the Israeli side.

25 A. (Translator.) I have a

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2 counterpart on the Israeli side.

3 Q. Who is your counterpart on the
4 Israeli side?

5 A. (Translator.) General Amos
6 Gilad.

7 Q. Do you have a military rank?

8 A. (Translator.) No.

9 Q. Has General Gilad been your
10 counterpart since 2005?

11 A. (Translator.) Before him my
12 counterpart was Yusef Michlev.

13 Q. From '97 to '99, you were
14 Director of the Civil Affairs Coordinating
15 Committee. You were the Director of the
16 RCAC, correct?

17 A. (Translator.) Correct.

18 Q. Is there somebody that does
19 that job today?

20 A. (Translator.) They are
21 employees who belong to me.

22 Q. So there is somebody today who
23 fills your old role?

24 A. (Translator.) Yes, under my
25 supervision. He belongs to me.

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2 Q. I think you have said this, I
3 just want to clarify. Today you report to
4 nobody besides the President; is that
5 correct?

6 A. (Translator.) To the President
7 and the prime minister.

8 Q. And how many people are there
9 that report to you?

10 A. (Translator.) Many.

11 Q. Do you know who they are?

12 A. (Translator.) Of course. I am
13 in charge of them directly.

14 Q. Can you identify as many as you
15 can? What I'm referring to is the people
16 who report directly to you.

17 A. (Translator.) I have a Vice
18 President for me and for the West Bank, and
19 a Vice President in the Gaza.

20 In the West Bank is Maaruf
21 Zaharan, and in the Gaza Strip is Amin
22 Esiam. They are Deputies.

23 Q. Who else?

24 A. (Translator.) Of course below
25 them there are general directors in the

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2 supporter but not a member.

3 Q. Who offered you membership in
4 Fatah?

5 A. (Translator.) A friend of
6 mine.

7 Q. Does your friend have a name?

8 A. (Translator.) Achmed Safi.

9 Q. Why did he offer you membership
10 in Fatah, if you know?

11 A. (Translator.) We were friends
12 and we were both at the same school.

13 Q. Did you make a decision to
14 become a member of Fatah?

15 A. (Translator.) Yes.

16 Q. Why did you decide to become a
17 member of Fatah?

18 A. (Translator.) Because I
19 believe in it.

20 Q. You say you believe in it.
21 What exactly do you believe in Fatah?

22 A. (Translator.) I believe in its
23 policy and its goals.

24 Q. What are the goals of Fatah
25 that you believe in?

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2 A. (Translator.) Ending the
3 occupation.

4 Q. Anything else?

5 A. (Translator.) There is nothing
6 more important than that.

7 Q. Ending the occupation of what?

8 A. (Translator.) Ending the
9 Israeli occupation, which were occupied in
10 1967.

11 Q. Is it your testimony, sir, that
12 the goal of Fatah is only ending the
13 occupation of the lands that were conquered
14 by Israel in 1967?

15 A. (Translator.) And establishing
16 a democratic Palestinian state.

17 Q. Does Fatah have a goal
18 regarding the lands that became known as
19 the State of Israel in 1948?

20 A. (Translator.) Fatah believes
21 in establishing a two-state solution and
22 establishing two states for two nations,
23 for the Palestinian nation and for the
24 Israeli nation.

25 Q. When you became a member of

1 HUSSEIN AL SHEIKH

2 Q. Would you say it is dozens or
3 hundreds?

4 A. (Translator.) Dozens.

5 Q. Have you as Minister of
6 Palestinian Civil Affairs, have you met
7 with representatives of any foreign
8 governments?

9 A. (Translator.) Of course.

10 Q. What is the purpose of meeting
11 with representatives of foreign
12 governments?

13 A. (Translator.) These were sides
14 who were working on bringing close the
15 relations between us and the Israelis.

16 Q. What is the purpose of you
17 meeting with those representatives instead
18 of, for example, the Foreign Minister?

19 A. (Translator.) Because within
20 my duties of work, line of work, I am very
21 much occupied with the sensitivities
22 concerning the relations with the Israelis.
23 We can say the bigger part of the Israeli
24 relations file is within my hands, in my
25 capacity.

1 HUSSEIN AL SHEIKH

2 Q. Besides meeting with
3 representatives of foreign governments, do
4 you also meet with representatives of
5 international organizations?

6 A. (Translator.) Yes.

7 Q. For example, which
8 organizations?

9 A. (Translator.) The UN and the
10 Red Cross.

11 Q. Is there any particular
12 organization within the UN that you meet
13 with?

14 A. (Translator.) I meet with the
15 Relief Organization, UNRWA.

16 Q. United Nations Relief and Work
17 Agency. Is it fair to say that in all that
18 you do as the Minister of Palestinian Civil
19 Affairs, you act for the benefit of the
20 Palestinian Authority?

21 MR. McALEER: Objection as to
22 the form.

23 Q. You can answer.

24 A. (Translator.) Of course I
25 serve the Palestinian people and the PA.

1 HUSSEIN AL SHEIKH

2 And not only the Palestinian people and the
3 PA, but I also serve the future of the
4 peace process between us and the Israelis.

5 Q. Are you familiar with somebody
6 named Moshe Saperstein?

7 A. (Translator.) No.

8 Q. Are you aware that somebody
9 name Moshe Saperstein has brought a lawsuit
10 against the Palestinian Authority?

11 A. (Translator.) No, I did not
12 know until I met the law firm here.

13 Q. Until you met which lawyer?

14 A. (Translator.) Not clear,
15 Charles?

16 Q. You are referring to the
17 gentleman sitting next to you?

18 A. (Translator.) Yes, correct.

19 Q. Is it fair to say that you have
20 no interest in helping Mr. Saperstein to
21 win his lawsuit?

22 MR. McALEER: I object to the
23 form of that question and its
24 relevance.

25 MR. TOLCHIN: You know that

1 HUSSEIN AL SHEIKH

2 Q. Sir, during the break, did you
3 have an opportunity to verify the website
4 address of the Civil Affairs Authority?

5 A. (Translator.) Yes.

6 Q. What is the website address?

7 MR. SAADI: It is
8 www.mca.gov.ps.

9 Q. That is the website that we
10 discussed earlier that Mr. Abu Jundi
11 supervises on behalf of your authority?

12 A. (Translator.) Yes.

13 Q. Sir, you were a member of Fatah
14 for approximately the last 33 years; is
15 that correct?

16 A. (Translator.) Approximately,
17 yes.

18 Q. Other than the position that
19 you were elected to as Secretary of Fatah
20 from 1999 to 2005, have you ever held any
21 other positions within Fatah?

22 A. (Translator.) No, only this
23 position.

24 Q. I'm referring specifically to
25 the period of 2000 to 2004. Spanning that

1 HUSSEIN AL SHEIKH

2 period of years, can you explain to me what
3 was the organizational structure of Fatah?

4 A. (Translator.) We had a general
5 commander Yasser Arafat. Beneath it the
6 Central Committee, beneath it the
7 Revolutionary Council, and beneath it the
8 leadership in the West Bank and the
9 leadership of Gaza. And then comes the
10 leadership of Fatah in the different areas.
11 This is the structure.

12 Q. When you referred to the
13 Central Committee, who were the members of
14 the Central Committee? And all these
15 questions are about the period of 2000 to
16 2004. And I just want to say that if it
17 changed during that period, you can tell me
18 that. I'm not trying to put words in your
19 mouth.

20 A. (Translator.) Nothing is
21 secretive about it. Yasser Arafat was.

22 Q. He was both the general
23 commander and a member of the Central
24 Committee?

25 A. (Translator.) Yes, of course.

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2 Mahmoud Abbas, Ahmed Qurei, Hani el Hassan,
3 Abdel Zaki, Hakam Baloui, Faruk el Kadoumi,
4 Mohammed el Nem, El Taisar el Wazir, Nabil
5 Shaath. These were the members of the
6 Central Committee. Maybe I forget someone.

7 Q. How were the members of the
8 Central Committee chosen?

9 A. (Translator.) Through
10 elections from the general conference of
11 Fatah.

12 Q. What is the general conference
13 of Fatah?

14 A. (Translator.) These are
15 representatives of the different frames,
16 unions, and groups of Fatah internationally
17 and nationally. The last time that it was
18 convened was in 1989, 20 years ago.

19 Q. So all of these names that you
20 have told me were in the Central Committee
21 between 2000 and 2004, had been there since
22 1989?

23 A. (Translator.) Correct.

24 Q. You referred to the
25 Revolutionary Council. How many members

1 HUSSEIN AL SHEIKH

2 were there in the Revolutionary Council?

3 A. (Translator.) 120.

4 Q. How were those members chosen?

5 A. (Translator.) Through the

6 general conference as well.

7 Q. 120 is a lot of members. Was
8 there a leadership within the Revolutionary
9 Council?

10 A. (Translator.) They meet
11 according to necessity. They assemble
12 every two months, three months.

13 Q. Did the Revolutionary Council
14 have a Director, President, head?

15 A. (Translator.) The leadership
16 was first Yasser Arafat, then Abu Mazen.
17 But you have to understand that the Central
18 Committee is part of the Revolutionary
19 Council.

20 Q. I want to clarify that. You
21 told us earlier that the general commander
22 was Yasser Arafat. Under him was the
23 Central Committee and under him was the
24 Revolutionary Council. But now you seem to
25 be telling me that the Central Committee

1 HUSSEIN AL SHEIKH

2 was part of the Revolutionary Council.

3 A. (Translator.) The Central
4 Committee is part of the Revolutionary
5 Council. And not the opposite. A member
6 of the Revolutionary Council is not
7 necessarily a member of the Central
8 Committee.

9 Q. Would it be a fair parallel to
10 say that the Central Committee was similar
11 to the Cabinet and the Revolutionary
12 Council was similar to the Cabinet, and the
13 Revolutionary Council was similar to the
14 Knesset, for lack of a better comparison?

15 Forget the question. It's not
16 a good question.

17 You referred to the leadership
18 in the West Bank and Gaza. How many
19 individuals were involved in that
20 leadership?

21 A. (Translator.) In the West Bank
22 about 70. I do not know how many in Gaza.

23 Q. How was the membership of that
24 leadership selected?

25 A. (Translator.) Through

1 HUSSEIN AL SHEIKH

2 elections.

3 Q. Elections among who?

4 A. (Translator.) Among members of
5 Fatah in the different areas.

6 Q. Was that also through the
7 general conference of Fatah?

8 A. (Translator.) Of course not.
9 I asserted that the general conference has
10 not assembled since 1989.

11 Q. Does that mean that the
12 leadership in the West Bank and Gaza did
13 not get elected since 1989, or was the
14 leadership elected by some other group?

15 A. (Translator.) Again to
16 clarify, the general conference is for all
17 Fatah members. When I speak about the West
18 Bank, I am talking about that it is elected
19 by the different districts such as Ariha,
20 Jenin, Khalil-Hebron.

21 Q. What was the process by which
22 the leadership of Fatah was elected? Were
23 there campaigns? Were there elections and
24 voting booths?

25 A. (Translator.) Of course, there

1 HUSSEIN AL SHEIKH

2 were election booths and boxes.

3 Q. Only members of Fatah can vote?

4 A. (Translator.) Yes.

5 Q. In the last level you told us
6 about, you said there was leadership in
7 different areas?

8 A. (Translator.) Yes.

9 Q. How many individuals are we
10 talking about there?

11 A. (Translator.) Thousands.

12 Q. Were there so many because
13 there were individuals in every town and
14 village?

15 A. (Translator.) Of course.

16 Q. How were those individuals
17 selected?

18 A. (Translator.) Through
19 elections. Through the election boxes.

20 Q. Local elections in towns and
21 villages?

22 A. (Translator.) Yes.

23 Q. Up until now you have told us
24 about the overall organizational structure.

25 Were there also officers of Fatah besides

1 HUSSEIN AL SHEIKH

2 in the West Bank, comprising 70 people, it
3 is the same thing as the High Committee for
4 Fatah in the West Bank?

5 A. (Translator.) Correct.

6 Q. Thank you.

7 Did Fatah have a Treasurer
8 between 2000 and 2004?

9 A. (Translator.) What do you mean
10 Treasurer?

11 Q. Let me back up. Did Fatah have
12 a budget between 2000 and 2004?

13 A. (Translator.) Of course.

14 Q. What was the source of the
15 money that was used for Fatah's budget?

16 A. (Translator.) I do not know.
17 This is not my field -- it is not my
18 expertise.

19 Q. Who was in charge of
20 supervising Fatah's money?

21 A. (Translator.) Achmed Qurei.

22 Q. Did Mr. Qurei have a title that
23 had something to do with his function of
24 supervising the money of Fatah?

25 A. (Translator.) He is a member

1 HUSSEIN AL SHEIKH

2 of the Central Committee in Fatah, and he
3 is responsible for the finance of Fatah.

4 Q. Was he elected to that
5 position? How did he get that
6 responsibility?

7 A. (Translator.) He was elected
8 in the conference of 1989.

9 Q. Is he known by any nicknames or
10 noms de guerre?

11 A. (Translator.) He is known for
12 Abu Ala, who was previously negotiating
13 with Tzipi Livni.

14 Q. What is Mr. Qurei's job today?

15 A. (Translator.) He is a member
16 of the Central Committee and the head of
17 Palestinian Negotiation Delegation with
18 Israel.

19 Q. He is a member of the Central
20 Committee of Fatah?

21 A. (Translator.) Correct.

22 Q. He is also employed by the
23 Palestinian Authority?

24 A. (Translator.) He has nothing
25 to do with the PA. He belongs only to the

1 HUSSEIN AL SHEIKH

2 Abbas Zaki; he is responsible of the
3 Palestinian portfolio in Lebanon, et
4 cetera.

5 Q. I just want to clarify about
6 Mr. Kadoumi. You said he has a problem,
7 but does he have a portfolio?

8 A. (Translator.) Currently he is
9 carrying no official portfolio.

10 Q. How well did you know Yasser
11 Arafat?

12 A. (Translator.) Good.

13 Q. Did you consider him a friend,
14 or just somebody you knew from work, or
15 something else?

16 A. (Translator.) I considered him
17 a leader and responsible.

18 Q. In the period of 2000 to 2004,
19 did you meet with Mr. Arafat?

20 A. (Translator.) Of course.

21 Q. How often?

22 A. (Translator.) Hundreds of
23 times.

24 Q. Was that for social purposes or
25 business purposes?

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2 A. (Translator.) Things which are
3 connected to Fatah.

4 Q. Did you receive directives or
5 instructions from Mr. Arafat during that
6 period?

7 A. (Translator.) Instructions in
8 what field?

9 Q. Anything connected to Fatah.

10 A. (Translator.) I used to
11 receive daily instructions from him.

12 Q. Was that verbally or in
13 writing?

14 A. (Translator.) Mostly verbally.

15 Q. Did you ever receive written
16 instructions from him?

17 A. (Translator.) In what field?

18 Q. Something connected with Fatah.

19 A. (Translator.) Of course, but I
20 cannot remember what was verbally and what
21 was written.

22 Q. Did you ever write to Mr.
23 Arafat about anything?

24 A. (Translator.) Hundreds of
25 letters.

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2 Q. What types of issues would you
3 have written to Mr. Arafat, and I'm talking
4 about 2000 to 2004.

5 A. (Translator.) I used to write
6 him for giving medical treatment for
7 families who cannot afford it, for their
8 children. I used to ask him for assistance
9 and help for students who are in need so
10 they can go for studies, and also social
11 assistance for deprived families.

12 Q. Why would you write those
13 letters to Mr. Arafat and not to Mr. Qurei
14 who you told us handled the finances?

15 A. (Translator.) I was not the
16 one who determined where it should be
17 directed. The one who determined that was
18 Yasser Arafat, who was the Commander.
19 Because Abu Ala does not have a direct
20 responsibility upon me, Abu Amar had direct
21 responsibility upon me.

22 Q. Let me clarify. Is it fair to
23 say that if you felt that a particular
24 student should receive financial aid, you
25 would have written to Mr. Arafat, asking to

1 HUSSEIN AL SHEIKH

2 give money to this student, and if Mr.

3 Arafat agreed, he asked Mr. Qurei to

4 disburse the money?

5 A. (Translator.) Not necessarily

6 from Qurei. The one who determined from

7 whom to receive the money, that was Yasser

8 Arafat.

9 Q. Let me break it down. You

10 would ask Mr. Arafat to give money to Mr.

11 X, and if Mr. Arafat agreed, he would

12 direct somebody, he would pick to disburse

13 the money?

14 A. (Translator.) Correct.

15 Q. And what we are talking about

16 is the money of Fatah. We are not talking

17 about the Palestinian Authority or PLO?

18 A. (Translator.) Fatah and PLO

19 are the same because the Fatah and the PLO

20 budget are with Arafat.

21 Q. During the period of 2000 to

22 2004, who directed the budget of the PA?

23 A. (Translator.) Do you mean the

24 Minister of Finance?

25 Q. I don't mean any particular

1 HUSSEIN AL SHEIKH

2 person. I am asking you.

3 A. (Translator.) What do you mean
4 the money of PA?

5 Q. I will clarify. In the period
6 2000 to 2004, who was in charge of making
7 decisions of spending the money of the PA?

8 A. (Translator.) Again I cannot
9 understand the question. It is not clear
10 enough. In the PA there is a Minister of
11 Finance. If I am not mistaken, I think it
12 was Salam Fayad, if this is what you mean
13 by your question. And who determines the
14 financial policy is Salam Fayad.

15 Q. What was Yasser Arafat's role
16 in the PA between 2000 and 2004?

17 A. (Translator.) Do you mean his
18 status or his capacity in the PA?

19 Q. Yes.

20 A. (Translator.) At that time he
21 was the head of the PA and the PLO.

22 Q. He was the President and the
23 Prime Minister?

24 A. (Translator.) The President
25 and the Prime Minister at the same time.

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2 Q. Did he hold any other positions
3 besides the President and the Prime
4 Minister?

5 A. (Translator.) In government?

6 Q. In the PA government.

7 A. (Translator.) This is what I
8 remember were the official capacities of
9 Yasser Arafat. Previously, before 2000, he
10 used to take the capacity of Interior
11 Minister sometimes, but I cannot remember
12 at what periods.

13 Q. As President and Prime Minister
14 of the Palestinian Authority, between 2000
15 and 2004, did Yasser Arafat have any
16 authority over expenditures of the
17 Palestinian Authority?

18 A. (Translator.) Of course, he
19 was the President.

20 Q. You told us, sir, that you
21 would often write letters to Mr. Arafat
22 asking him to award money from Fatah to
23 particular people.

24 A. (Translator.) Correct.

25 Q. Do you have any idea, sir, how

1 HUSSEIN AL SHEIKH

2 much money was awarded by Fatah altogether
3 as a result of your requests?

4 A. (Translator.) I cannot count
5 them.

6 Q. Can you give it in order of
7 magnitude? Are we talking hundreds of
8 dollars, thousand of dollars, hundreds of
9 thousands of dollars?

10 A. (Translator.) I would say
11 hundreds of thousands of dollars.

12 Q. Do you have any idea what the
13 annual expenses of Fatah were during the
14 period of 2000 to 2004?

15 A. (Translator.) No, it is not
16 part of my expertise.

17 Q. Are you familiar with an
18 individual named Mohammed Rashid?

19 A. (Translator.) Of course.

20 Q. Who is Mohammed Rashid?

21 A. (Translator.) He was
22 responsible for the investment fund.

23 Q. What investment fund?

24 A. (Translator.) I have no idea
25 about it.

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2 Oslo Agreement with the Israelis. And most
3 of the political factions were against the
4 Oslo Agreement.

5 Q. So how many employees of Fatah
6 were there between 2000 and 2004?

7 A. (Translator.) Salaries from
8 whom?

9 Q. Employees of Fatah.

10 A. (Translator.) There is nothing
11 like employees for Fatah. Do you mean
12 employees of the PA?

13 Q. Let me take a step back. Maybe
14 this will help clarify it, instead of me
15 putting words in your mouth, which I see
16 would be useless.

17 Can you explain to us in your
18 words, the relationship between Fatah and
19 the PLO and the PA? I'm talking about 2000
20 to 2004.

21 A. (Translator.) The relationship
22 between the PA, the PLO, and the Fatah, are
23 complex relations. First of all, Fatah is
24 part of the PLO, along with other political
25 factions who also believe in the PLO

1 HUSSEIN AL SHEIKH

2 policy.

3 Fatah is the larger group
4 within the PLO, and it was the one who
5 signed the Oslo Agreement through the PLO,
6 which led in itself for the establishment
7 of the PA, and, I mean, the Oslo Agreement.

8 In 1994, once moving to the
9 practical application of the Oslo
10 Agreement, the larger part of
11 responsibility of establishment and
12 creation and constructing of the PA fell on
13 Fatah.

14 For example, all the security
15 agencies, all Palestinian apparatus, its
16 construction, was combined from Fatah.
17 Thousands of Fatah members who came from
18 abroad, came from Lebanon, Syria, Jordan,
19 Tunis and Yemen, who were fighters of
20 Fatah, returned to the West Bank and the
21 Gaza Strip, according to the Oslo
22 Agreement, and started to construct the
23 apparatus security. And at that time there
24 was need to the Oslo Agreement, and it
25 still remains Hamas Movement.

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2 The main role and
3 responsibility that fell on these security
4 systems was to confront all these anti-Oslo
5 Agreement streams, who believe in violence
6 and in continuing the violence.

7 Therefore, the main role of
8 protecting the PA and constructing the PA
9 structure, whether on the civil or the
10 security level, relied heavily on Fatah and
11 on the groups or streams that supported the
12 Oslo Agreement.

13 Where can we find the
14 separation between PA and Fatah? Each
15 employee in the PA, who belongs to Fatah in
16 the general possession that belongs to the
17 PA, was not working practically in Fatah as
18 a political organizational community, as a
19 general public organization.

20 For instance, the
21 responsibilities which were ascribed for a
22 member of Fatah, who is merely occupied
23 with working with the public and the
24 unions, are not the same missions and
25 responsibilities, and ascribed for the

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2 member of Fatah, who is working for the PA.

3 Is this clear?

4 Q. I think so.

5 So you told us earlier that

6 when you were secretary of Fatah in the

7 West Bank, you had 14 Deputies or

8 Secretaries below you in different

9 districts in the West Bank?

10 A. (Translator.) Not Deputies.

11 They are Secretaries each in its own area.

12 Q. So you had 14 Secretaries each

13 in their own area. Were those 14

14 individuals paid for their work as

15 Secretaries?

16 A. (Translator.) No, most of them

17 were volunteers.

18 Q. Did those 14 Secretaries

19 receive any salaries from the Palestinian

20 Authority?

21 A. (Translator.) I have no idea

22 is any of them were receiving salaries from

23 the PA.

24 Q. Between 2000 and 2004, did

25 Fatah have offices anywhere?

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2 A. (Translator.) Yes, of course.

3 In all the area of the West Bank and in the

4 Gaza Strip.

5 Q. Did Fatah have a main office?

6 A. (Translator.) Yes, of course.

7 Q. Where was the main office of

8 Fatah?

9 A. (Translator.) The headquarters

10 was where Yasser Arafat was, because he is

11 the General Commander of the movement.

12 Q. Was that location known as the

13 Mukata?

14 A. (Translator.) Correct.

15 Q. So the Mukata was where the

16 main office of Fatah was located?

17 A. (Translator.) There are

18 others.

19 Q. There are other what?

20 A. (Translator.) There are other

21 offices.

22 Q. Other main offices?

23 A. (Translator.) For instance,

24 Abu Ala also had a main office as well as

25 Hakam Balauí also had a main office. Also,

1 HUSSEIN AL SHEIKH

2 Abdallah el Franji had an office for
3 external relations. The headquarters of
4 the head command since Abu Amar was the
5 General Commander was at the Makata.

6 Q. Is it correct that the Mukata
7 was also the main office of the PA?

8 A. (Translator.) Of course, since
9 the PA was also Yasser Arafat.

10 Q. Was the Mukata also the main
11 office of the PLO?

12 A. (Translator.) Correct, since
13 Yasser Arafat was also the head of the
14 Executive Committee of the PLO.

15 Q. We are talking about 2000 to
16 2004?

17 A. (Translator.) Correct.

18 Q. You mentioned that there were
19 some other main offices of Fatah. Did you
20 say, sir, that there were other main
21 offices of Fatah?

22 MR. McALEER: Object to the
23 form.

24 A. (Translator.) Correct.

25 Q. Were those other main offices

1 HUSSEIN AL SHEIKH

2 of Fatah also offices of the PA?

3 A. (Translator.) No, incorrect.

4 Q. Which offices were main offices
5 of Fatah that were not offices of the PA?

6 A. (Translator.) All offices of
7 Fatah were not offices of the PA, except
8 the office of Yasser Arafat.

9 Q. Were there any people who
10 worked in the Mukata, who were specifically
11 working for Fatah and not for the PA?

12 A. (Translator.) I do not know
13 exactly. I never asked the people who were
14 there whether they were working for the PA
15 or Fatah.

16 Q. Between 2000 and 2004, who
17 owned the Mukata?

18 A. (Translator.) What do you mean
19 by owned?

20 Q. Who was the owner of the
21 building, the land?

22 A. (Translator.) The PA.

23 Q. Who paid the utilities,
24 electricity, water, telephones?

25 A. (Translator.) I do not know,

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2 of course. It was not part of my
3 responsibilities.

4 Q. The other offices of Fatah that
5 you told us were not offices of the PA,
6 were those rented offices?

7 A. (Translator.) Part of them
8 were rented and part of them were owned,
9 but I do not know which are which.

10 Q. The ones that were owned, do
11 you know who owned them?

12 A. (Translator.) I do not know.

13 Q. The ones that were rented, do
14 you know who paid the rent?

15 A. (Translator.) The finances of
16 Fatah.

17 Q. Did the finances of Fatah also
18 pay the utilities for those offices?

19 A. (Translator.) Not necessarily,
20 but I do not know these details because
21 this was not part of my work and my
22 employment.

23 Q. When you would request from Mr.
24 Arafat -- and I'm specifically talking
25 about from 2002 to 2004 -- you would

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2 request that he give money to particular
3 people, and he would direct that money to
4 be given, what process was used to disburse
5 the money of Fatah? In other words, would
6 it be by check, by wire transfer, by cash,
7 or some other form?

8 A. (Translator.) For instance, I
9 used to present to Abu Amar humanitarian
10 aid. The instance, I presented to him ten
11 people. For example, let's say he would
12 wire to each person 800, 600, 1000 dollars.
13 I would not hold in my hand one penny even.
14 It would reach the beneficiary directly,
15 whether by check or by bank transaction.

16 Q. So Fatah would use checks or
17 bank transactions to give people money?

18 A. (Translator.) Not necessarily
19 Fatah, but the body that was given order by
20 Arafat would provide the money?

21 Q. When you were secretary of
22 Fatah, you had to ask Mr. Arafat to award
23 money to individuals for whatever purpose.
24 Is it your testimony, sir, that sometimes
25 Mr. Arafat would direct that money to be

1 HUSSEIN AL SHEIKH

2 given to the individual but from some place
3 else other than Fatah?

4 MR. McALEER: Objection as to
5 form.

6 Q. You can answer.

7 A. (Translator.) Let me clarify.
8 Some assistance were issued directly from
9 Fatah. According to the rules and the
10 basic law of the PA, the government
11 allocates the Ministry of Finance a certain
12 amount of money to the political parties
13 according to the basic law.

14 Since Fatah is a political
15 party, it has an allocation of amount of
16 money, the people's part has an amount
17 which is allocated to it. The Democratic
18 Front has a budget of its own.

19 And why am I stating this; to
20 prevent any outside money to get into the
21 country. For instance, I do not want Iran
22 to send money to establish a party within
23 the country. So also to maintain that,
24 there is supervision on the money and its
25 conductors. That is what I meant when I

1 HUSSEIN AL SHEIKH

2 said that Arafat can allocate the money
3 from Fatah or from other sources as well.

4 MS. GITLIN: The tape is
5 finishing now at 6:45 p.m.

6 (A recess transpired.)

7 MS. GITLIN: It is tape number
8 6, starting at 6:46 p.m. This is the
9 Commissioner Amy Gitlin, business
10 address Nahal Katlav 7/3 Bet Shemesh,
11 Israel.

12 This is the deposition of
13 Hussein al Sheikh, taking place in
14 Jerusalem, Israel, on April 1st,
15 2009.

16 A. (Translator.) I want the last
17 sentence, to repeat it.

18 I stated that the basic law
19 allows for political action for legitimate
20 and legal by the political parties. I am
21 requesting that this speech will be
22 translated accurately.

23 Q. We want everything translated
24 accurately.

25 A. (Translator.) Each party

1 HUSSEIN AL SHEIKH

2 receives a budget from the Finance
3 Ministry. Each organization or party is
4 free to use these monies as he sees fit,
5 within the legal political activity.
6 Therefore, when I stated that Abu Amar was
7 sometimes allocating money from Fatah or
8 from other parties, that is why I was
9 referring to the fact that Abu Amar was
10 using the money, his share that was
11 allocated to the Fatah party from the
12 Ministry of Finance.

13 Q. Was giving money to students or
14 to people for medical treatment or social
15 assistance, was that considered legitimate
16 political uses of money allocated by the PA
17 to Fatah?

18 A. (Translator.) Another
19 clarification, please. Not everything that
20 Arafat signed for me was deducted from the
21 Fatah budget.

22 Let's say, for instance, there
23 is a ten-year-old child who suffers from
24 cancer and needs treatment in Israel. That
25 person, a child who is ten years old, knows

1 HUSSEIN AL SHEIKH

2 nothing about the different political
3 parties, Fatah, Democratic Front, or
4 anything else.

5 Yasser Arafat would refer this
6 letter to the Ministry of Health and the
7 Ministry of Finance. Is this clear? And
8 sometimes, since Abu Amar could not give
9 money from the PA, when I requested
10 something from him for Fatah, he used to
11 give it from the budget of Fatah.

12 Q. So just using your example of
13 the child who needs treatment for cancer,
14 was there any circumstance where such a
15 case would have been considered something
16 for Fatah go give money to?

17 A. (Translator.) As I told you,
18 that does not mean necessarily that this
19 ten-year-old boy would receive the money
20 from Fatah, because the PA is responsible
21 for the Palestinian people and not only
22 Fatah is responsible for the Palestinian
23 people. A ten-year-old boy is the
24 responsibility also of the PA.

25 Q. But sometimes the PA would not

1 HUSSEIN AL SHEIKH

2 Q. During the time of 2000 to
3 2004, did the PA deduct Fatah's membership
4 fees from employees' salaries? Between
5 2002 and 2004, did the PA deduct from its
6 employees' salaries membership dues for
7 Fatah?

8 A. (Translator.) Do you mean from
9 the salaries received by the members of
10 Fatah in the PA, there was an amount
11 deducted from the salary for the Fatah
12 membership?

13 Q. Yes, that is my question.

14 A. (Translator.) Yes.

15 Q. Was every PA employee required
16 to be a member of Fatah?

17 A. (Translator.) Of course not.

18 Q. Were the employees who were not
19 members of Fatah have deductions made from
20 their salaries for Fatah's dues?

21 A. (Translator.) No, this was
22 voluntarily done. If a Fatah's member did
23 not want this amount to be deducted from
24 his salary, he could request that and it
25 would not be deducted.

1 HUSSEIN AL SHEIKH

2 A. (Translator.) No, I do not
3 know. This is not part of my expertise.

4 Q. Between 2000 and 2004, can you
5 tell us, please, what were the methods that
6 Fatah used to achieve its goals?

7 A. (Translator.) First of all,
8 Fatah is a political movement, National
9 Palestinian, and it believes in peace, and
10 it was the one who signed the peace
11 agreement with Israel.

12 It is true that the peace
13 process was obstructed during 2000
14 following the visit of Sharon to Al Aktza
15 Mosque, and especially following the
16 failure of Camp David. And I mean by that
17 the Palestinian-Israeli negotiations in Camp
18 David during Abu Amar and Ehud Barak's
19 period. No doubt that the visit of Sharon
20 to the Al Aktza Mosque has prompted and
21 caused the eruption of the situation and
22 for the explosion of the whole issue. And
23 there were demonstrations against the visit
24 of Sharon, and these demonstrations were
25 peaceful demonstrations of the first

1 HUSSEIN AL SHEIKH

2 Degree. And Fatah believed that these
3 demonstrations should be peaceful.

4 Q. Let me back up; inside of
5 Fatah, were there any other organizations
6 branches or wings?

7 A. (Translator.) Of course.

8 Q. What were the branches or wings
9 or subsets that were in Fatah in 2000 to
10 2004?

11 A. (Translator.) Of course, for
12 instance, Fatah members who were abroad
13 were not in coordination and harmony with
14 Yasser Arafat's policy. For instance, Abu
15 Lutuf, Faruk el Kadumi, was against Oslo
16 and inciting against Oslo.

17 Q. Let me clarify. Maybe the
18 problem is my question.

19 What I meant was: Inside of
20 Fatah, was there an organization maybe for
21 doctors, for students, for engineers, for
22 workers, for shopkeepers?

23 A. (Translator.) Of course

24 Q. Did those groups have names?

25 A. (Translator.) Of course.

1 HUSSEIN AL SHEIKH

2 Doctors' union, pharmaceutical union,
3 teachers' union, et cetera.

4 Q. Was there a group for students?

5 A. (Translator.) Of course.

6 Q. What was the name for the
7 groups of students between 2000 and 2004?

8 A. (Translator.) Shabiba Union.

9 Q. That is for youth?

10 A. (Translator.) Yes.

11 Q. What about for University
12 students?

13 A. (Translator.) They also
14 belonged to the youth movement. The
15 Shabiba is also for school students and
16 University students.

17 Q. Between 2000 and 2004, what was
18 the policy of Fatah towards the Israeli
19 occupation of the West Bank and Gaza Strip?

20 A. (Translator.) The goal of
21 Fatah is to end occupation in the West Bank
22 and the Gaza Strip.

23 Q. Between 2000 and 2004, did
24 Fatah consider Israeli Jewish settlers in
25 the West Bank and the Gaza Strip to be

1 HUSSEIN AL SHEIKH

2 regular civilians?

3 A. (Translator.) Yes.

4 Q. Are you familiar -- and forgive
5 me for what I'm about to do with your
6 language -- are you familiar with a term
7 called Mukawama?

8 A. (Translator.) Resistance.

9 Q. What is the principle of
10 resistance?

11 A. (Translator.) Do you want me
12 to use the word "resistance" or "Mukawama"?

13 Q. Does the word "Mukawama" have a
14 particular meaning in Palestinian politics?

15 A. (Translator.) It is like using
16 the word "Shahid."

17 MR. HIBEY: Wait a minute. You
18 have asked a perfectly legitimate
19 question.

20 MR. TOLCHIN: We agree on
21 something.

22 MR. HIBEY: I would like to
23 know what the translation is.

24 MR. NAIM: Resistance.

25 MR. TOLCHIN: Just to explain

1 HUSSEIN AL SHEIKH

2 to you, what she said is that the
3 word is like Shahid. Shahid means
4 martyr, but in the context of
5 Palestinian politics, it has come to
6 have a particular meaning that people
7 understand.

8 MR. SHEHADEH: It is like when
9 you say Shoah.

10 MR. TOLCHIN: It's like when
11 you say Holocaust. It has a
12 particular meaning that everybody
13 understands what you're talking
14 about. When you say the French
15 Revolution, nobody thinks that you're
16 talking about a revolution in
17 wine-making. They know what you're
18 talking about.

19 Let's proceed. I will use th
20 English word.

21 MR. SHEHADEH: Just a second,
22 because he answered and he said that
23 resistance has different forms.

24 Q. What are the different forms of
25 resistance?

1 HUSSEIN AL SHEIKH

2 A. (Translator.) For instance, I
3 could say no to occupation, this is
4 resistance. I can call for a peaceful
5 demonstration in central Ramallah, this is
6 also a kind of resistance. For instance as
7 well, I can ask for boycotting Israeli
8 products, and this is also a type of
9 resistance. I also can write an article,
10 this is also resistance.

11 Q. Is putting a car bomb in an
12 Israeli shopping mall a form of resistance?

13 A. (Translator.) Fatah is against
14 that on the whole.

15 Q. But is that a form of
16 resistance.

17 A. (Translator.) I repeat, again,
18 working or conducting anything within the
19 Jewish area of Israel, against or harming
20 any Israeli citizens is something which is
21 against the policy and legitimacy of Fatah,
22 and is a terrorist act.

23 Q. Is shooting Israeli soldiers in
24 the West Bank a form of resistance?

25 A. (Translator.) The issue of

1 HUSSEIN AL SHEIKH

2 there was an Israeli and Palestinian
3 violence going on, on both sides where both
4 of them are parties.

5 Q. Let me clarify. You talked
6 earlier about the Intifada that started in
7 2000; was that Intifada that started in
8 2000, a period of peace or a period of
9 violence?

10 MR. McALEER: Object as to
11 form. You can answer.

12 A. (Translator.) I distinguish
13 between the different periods of the
14 Intifada. First of all, Sharon started by
15 visiting the Al Aktza Mosque. He provoked
16 emotions of Palestinians and Moslems.
17 There were peaceful demonstrations by
18 Palestinians. What proves that the
19 direction is peaceful, because the
20 objective of the Intifada was peaceful.

21 Can you tell me how many
22 Israelis were killed during the four months
23 of the Intifada. However, I can tell you
24 how many Palestinians were killed during
25 that period. That demonstrates to what

1 HUSSEIN AL SHEIKH

2 extent the Intifada was meant to be
3 peaceful.

4 Q. Let me clarify. You said that
5 there were periods of the Intifada. There
6 were phases of the Intifada. Can you tell
7 me what the dates were, as best as you can,
8 and what the phases were?

9 A. (Translator.) I will give you
10 without dates. I do not remember dates
11 very well. The first stage of the Intifada
12 lasted four to five months. The Intifada
13 was totally absolutely peaceful.

14 Q. That is four to five months
15 from Sharon's visit?

16 A. (Translator.) Yes, four or
17 five months the whole Intifada was
18 peaceful. And I challenge you again to
19 tell me how many Israeli were killed in the
20 four or five months. I can tell you that
21 hundreds of Palestinians were killed at
22 that time. I am not challenging you
23 personally. I am speaking generally.

24 In the first four to five
25 months, hundreds of Palestinians were

1 HUSSEIN AL SHEIKH

2 killed according to all international
3 humanitarian organizations' reports. The
4 excessive violence practiced by the
5 Israelis has pushed the Palestinians to
6 escalate the level of violence.

7 In my opinion, this gave the
8 opportunity to all the extremists, and all
9 those who oppose the Oslo Agreement, an
10 opportunity to destroy the Oslo Agreement
11 and to bring back the whole area to
12 violence. Therefore, unfortunately, the
13 Intifada transferred from being a peaceful
14 Intifada to being a violent one.

15 Q. How long was that violent
16 period? You said it started four or five
17 months after Sharon's visit, and how long
18 did it continue?

19 A. (Translator.) It continued
20 until the death of Abu Amar.

21 Q. Which was November 2004?

22 A. (Translator.) November 11,
23 2004.

24 Q. So that violent period
25 continued for several years until at least

1 HUSSEIN AL SHEIKH

2 is a peaceful situation.

3 Q. During times when there is a
4 violent situation, such as between Sharon's
5 visit to Al Aktza and 2004, so, for
6 example, in the year 2002, right in the
7 middle of that period, during that period,
8 would shooting an Israeli soldier in the
9 West Bank and Gaza Strip have been
10 considered a form of resistance?

11 MR. McALEER: Object as to form
12 and lack of foundation.

13 Q. You can answer.

14 A. According to the International
15 Law, Israel is an occupying power for the
16 West Bank. This is according to the
17 International Resolutions, and this is not
18 something that I am saying. Between whom
19 there is no peace, between two enemies?
20 Peace can be only made by enemies.
21 According to all history, peace can be done
22 only between two enemies.

23 We used to be enemies. And our
24 main goal to fight for Fatah is to end the
25 occupation, and we hope and we wish and we

1 HUSSEIN AL SHEIKH

2 make great efforts to end this occupation
3 by peaceful means and to live in peace with
4 the Israelis. One country, a state, next
5 to the other. One nation next to the
6 other. And there would be economical,
7 political, environmental cooperation
8 between us. And this is not only merely my
9 personal opinion. This is the opinion of
10 Fatah, in general.

11 MR. TOLCHIN: What I'd like to
12 do is, I'd like to just show the
13 witness that video that we exchanged.
14 We do not need to translate it. I'd
15 like just to show him the video at
16 first.

17 MR. HIBEY: How does this get
18 handled in terms of record?

19 MR. TOLCHIN: I have copies. I
20 represent to you it is exactly the
21 same thing I e-mailed you, and I made
22 some copies. I'd be happy to give
23 you one right now.

24 MR. HIBEY: Can we trust you
25 that you will mark it as an Exhibit?

1 HUSSEIN AL SHEIKH

2 objected to it?

3 A. (Translator.) Who opposed?

4 Q. Anybody.

5 A. (Translator.) If it is
6 security issue, then it derives or obeys
7 the security system, if they were requested
8 to return, then they will return.

9 Q. This is for the Commissioner.

10 This is Exhibit 4.

11 (Whereupon, the aforementioned
12 document was marked as Plaintiff's
13 Exhibit 4 for identification as of
14 this date by the Commissioner.)

15 Q. First of all, is this a
16 document you have ever seen before, sir?

17 A. (Translator.) No, I do not
18 recall seeing it.

19 Q. At the top in the upper
20 right-hand corner there is a handwritten
21 comment there. Are you able to read that?

22 A. (Translator.) Yes, of course.

23 Q. What does it say?

24 A. (Translator.) It should be
25 sent to the District of Ramalla to Hussein

1 HUSSEIN AL SHEIKH

2 systems are sending a warning to all those
3 who were not returning that they might be
4 sacked from work. This is my
5 interpretation.

6 Q. Do you recall the situation?

7 A. (Translator.) I do not
8 remember particularly the circumstances
9 here.

10 Q. You can give the original
11 document to the Commissioner. I may ask
12 you, sir, if this is a document you have
13 ever seen.

14 A. (Translator.) Yes.

15 Q. What is this document?

16 A. (Translator.) I presented this
17 to Yasser Arafat, financial aid for certain
18 people.

19 Q. Did you write this document?

20 A. (Translator.) Yes.

21 Q. Is all of this document yours,
22 or is there a part that was written by
23 somebody else?

24 A. (Translator.) This is my
25 handwriting, and the handwriting of Yasser

1 HUSSEIN AL SHEIKH

2 Arafat.

3 Q. Is it accurate that the
4 handwriting which is horizontal is yours
5 and the handwriting which is diagonal is
6 Mr. Arafat's?

7 A. (Translator.) This is an area
8 with the handwriting where the date is
9 stated and the signature, this is of Yasser
10 Arafat.

11 MR. TOLCHIN: Can we agree, Mr.
12 Hibey, that the witness is indicating
13 that the diagonal handwriting towards
14 the lower left as being Mr. Arafat's?

15 MR. HIBEY: Yes.

16 Q. What did you write in this
17 letter?

18 A. (Translator.) I requested from
19 Abu Amar to allocate money for three
20 people.

21 Q. Just for the sake of the
22 record, and since it's your handwriting,
23 could you read the letter slowly and let
24 the translator translate?

25 A. (Translator.) Of course. "Mr.

1 HUSSEIN AL SHEIKH

2 President, the warrior of combatant,
3 President of combatant."

4 MR. SAADI: No, no, fight is --
5 (Arabic) This (word) is someone who
6 declares Jihad because of unjust
7 conditions.

8 MR. SHEHADEH: It can be both a
9 fighter and a combatant.

10 MR. TOLCHIN: What is the
11 Arabic word we are talking about?

12 MR. SHEHADEH: Mujahed.

13 A. (Translator.) I would like to
14 explain. To assert that Mujahed is not a
15 fighter, if we want to take the linguistic
16 phrase, you can make Jihad through talking.

17 Q. But the word is connected to
18 the root Jihad. Can I make a suggestion;
19 let the Interpreter say what she thinks,
20 you say what you think, and then we'll ask
21 the witness to clarify and then we'll have
22 it on the record.

23 A. (Translator.) I have not
24 finished yet. I would like to clarify.
25 Mujahed does not mean in any way combatant

1 HUSSEIN AL SHEIKH

2 or fighter. Because, according to Islam,
3 Mujahed means that you can do Jihad through
4 your words and there is an internal thing
5 within your soul, the Jihad of your soul.
6 What is the Jihad of the soul? That means
7 do not commit adultery, do not steal, and
8 such things. Therefore Mujahed does not
9 necessarily mean a fighter.

10 Q. Would you agree that Mujahed
11 can mean fighter?

12 A. (Translator.) Each person can
13 interpret it as he sees fit.

14 Q. Just finish the letter, please.

15 A. (Translator.) (Reading.) My
16 brother Abu Amar, may God protect you and
17 keep you well. I grant you with the salute
18 of homeland and nation. We request from
19 you Highness to be kind and to allocate a
20 financial amount of two thousand five
21 hundred dollars to the brothers number 1,
22 Raid ed Karmi, second Ziad Machmud Daas,
23 third Omar Kahaden, and we leave this to
24 your decision, your son Hussein al Sheikh.
25 The thing that was offered Yasser Arafat,

1 HUSSEIN AL SHEIKH

2 the Finance Ministry in Ramallah, the
3 allocation of six hundred dollars would be
4 given to each person.

5 Q. Who is Raid ed Karmi?

6 A. (Translator.) Raid el Karmi is
7 a person from the Tul Karem area.

8 Q. Why did you want to allocate
9 2500 dollars to Mr. El Karmi?

10 A. (Translator.) These were the
11 recommendations of the responsible in
12 charge person of Fatah in Tul Karem area,
13 since I do not know any of these three
14 people personally. I am given
15 recommendations from the different Fatah
16 representatives in these area within my
17 capacity of the Secretary of Fatah I report
18 this to Yasser Arafat within the framework
19 of the Humanitarian Aid. And I have
20 brought thousands of humanitarian aid to
21 people.

22 Q. Who asked you or who
23 recommended to you that you request 2500
24 dollars for Mr. El Karmi?

25 A. (Translator.) If I am not

1 HUSSEIN AL SHEIKH

2 mistaken, the Secretary of the area of Tul
3 Karem. What period are we talking about?
4 2001? I cannot see the date.

5 Q. 2001.

6 A. (Translator.) I think that the
7 Secretary, maybe it was Dr. Thabet or Fayet
8 Kanaan. I am not certain who it was, but I
9 am sure one of them was the Secretary at
10 the time.

11 Q. Who is Fayed Kanaan?

12 A. (Translator.) The Secretary of
13 Tul Karem area at that time, maybe. I do
14 not recall if it was Dr. Thabet or Fayet
15 Kanaan.

16 Q. Who is Amar Kadan?

17 A. (Translator.) I do not know
18 him.

19 Q. Are you familiar with something
20 called Force 17?

21 A. (Translator.) Of course I am.

22 Q. Was Mr. Kadan connected somehow
23 to Force 17?

24 A. (Translator.) Surely.

25 Q. Briefly what is Force 17?

1 HUSSEIN AL SHEIKH

2 A. (Translator.) It is the
3 Private Presidential Guard.

4 MR. TOLCHIN: This goes to the
5 commission, 6.

6 (Whereupon, the aforementioned
7 document was marked as Plaintiff's
8 Exhibit 6 for identification as of
9 this date by the Commissioner.)

10 Q. Sir, is this a document that
11 you have ever seen before?

12 A. (Translator.) No, of course
13 not.

14 Q. Did you review this document
15 before you came here today in preparation
16 for the deposition?

17 A. (Translator.) Yes, I saw it by
18 the lawyers.

19 Q. Take a moment to read it. Who
20 wrote this document? Who signed it?

21 A. (Translator.) According to
22 what I see, the one who signed it is Fayed
23 Kanaan.

24 Q. The same individual that we
25 spoke about a minute ago?

1 HUSSEIN AL SHEIKH

2 A. (Translator.) Yes, for sure.

3 Q. Where is Fayed Kanaan today?

4 A. (Translator.) I do not know.

5 This is a period between 2001 and 2009,

6 eight years, maybe in Tul Karem.

7 Q. Is he employed by the

8 Palestinian Authority today?

9 A. (Translator.) I do not know.

10 Q. Do you know if he's still alive

11 today?

12 A. (Translator.) Of course. If

13 he would have passed away, I would have

14 known about it.

15 Q. The diagonal writing on the

16 left, is that Mr. Arafat's writing?

17 A. (Translator.) The diagonal

18 handwriting on the left is the writing of

19 Yasser Arafat.

20 Q. There is a list of 15 names.

21 Do you recognize any of these names?

22 A. (Translator.) Not one of them.

23 Q. Are you familiar with an

24 individual named Wafa Idris?

25 A. (Translator.) I do not know

1 HUSSEIN AL SHEIKH

2 family?

3 A. (Translator.)

4 MR. McALEER: Objection as to
5 form.

6 A. (Translator.) The Ministry
7 gives money to all PLO prisoners. Now,
8 whatever the sentence, Israel has given it,
9 sees that he is punished for it already.

10 Q. So the answer to my question is
11 yes.

12 MR. McALEER: Objection as to
13 form.

14 A. (Translator.) Yes.

15 Q. Does this Ministry make
16 payments to widows and orphans of PLO
17 members of Fatah members who are killed in
18 activities against Israel?

19 MR. McALEER: Objection as to
20 form.

21 A. (Translator.) I do not know.
22 I do not know if it gives any.

23 Q. So between 2000 and 2004, did
24 the PA support violence against Israelis?

25 MR. McALEER: Objection as to

1 HUSSEIN AL SHEIKH

2 form.

3 A. (Translator.) The Palestinian
4 Authority always issued statements against
5 violence and against any violence committed
6 against any Israeli civilians. And
7 sometimes the Palestinian Authority will
8 declare a ceasefire but was not able to
9 implement it on the ground. But the
10 Palestinian Authority believes that
11 violence is prohibited by both sides.

12 Q. Sir, before you came here
13 today, did you take any steps to inform
14 yourself what this case is about?

15 A. (Translator.) I never heard of
16 this case until I met the lawyers.

17 Q. When did you meet the lawyers?
18 When are you referring to?

19 A. (Translator.) The first time?

20 Q. Yes.

21 A. (Translator.) About a month
22 ago, approximately.

23 Q. Are you referring to Mr. Hibey?

24 A. (Translator.) No, the first
25 time he was not there.